

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>122</h1>
Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 1 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

Purpose

To outline the requirements for reviewing plans for children in custody. (See also Policy 85 on Child Support for Children in Custody.)

Policy

Case Plans

An initial case plan (FS-247CC) will be completed for any child who enters custody:

- within six weeks of entry to custody;
- prior to the completion of any disposition report; and,
- any time when there is a major change in the direction of the case.

Review of Case Plans

The plan for a child in custody, whether or not the child is living away from family, will be comprehensively reviewed at a case plan review held at least every six months. A permanency hearing will be held by the court no later than twelve months after custody of the child was initially transferred and every twelve months thereafter. If requested by a party, the permanency hearing may be held earlier, as follows:

- Younger than age three at time of custody -- Every three months
- Between the ages of three and six at time of custody -- Every six months

Upon request or motion for review of a younger sibling, the court shall review the order of disposition of all siblings in the custody of the Commissioner

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 2 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

Timing for Reviews

The date which triggers case plan reviews and permanency hearings is the date the child came into custody, whether by emergency detention, detention, disposition or voluntary care. For every twelve months the child is in custody, case plan reviews and permanency hearings must be convened no later than the following dates or the anniversary of that date:

Type of Review or Hearing	Deadline for Convening
First Case Plan Review	Six months from custody date
Second Case Plan Review	Eleven months from custody date
Permanency Hearing	Twelve months from custody date

The panel at any case plan review meeting may request that the meeting be continued or that another meeting be scheduled in less than six months. The social worker decides if either is appropriate.

A permanency hearing must take place strictly within the required time interval and no later than thirty days after the convening of the case plan review preceding it.

Subsequent Disposition Hearings

Subsequent disposition hearings on new adjudications are not considered permanency hearings. Scheduling of reviews will continue based on the docket number and date of the original custody hearing.

Purpose of Case Plan Reviews

The purpose of a case plan review is to discuss the written plan for the child and family, and to determine:

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 3 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

- the safety of the child;
- if it is still necessary for the child to be placed away from home;
- if so, the appropriateness of the child's placement;
- that the plan assures the child's safe and proper care and addresses the child's needs;
- that services are provided to the parents, child, and substitute care providers to make it possible for the child to safely return home or be placed in another permanent setting;
- progress towards addressing the conditions that brought the child and family to the division's attention;
- progress towards goals of the plan, barriers to progress and how they can be addressed;
- for children who have been in substitute care for fifteen out the most recent twenty-two months, whose case plan is not adoption, if a compelling reason exists for not filing a petition to terminate parental rights; and
- the likely date by which permanency for the child may be achieved by:
 - safely reunifying the child or youth with his or her family;
 - transferring custody and/or guardianship of the child;
 - adoption;
 - another permanent placement;
 - preparing the youth for legal independence.

Composition of Review Panel

A review panel will review the child's plan. The panel must include a review facilitator, who is not responsible for case management or delivery of services to the child or parents. In addition, the following persons must be invited to participate:

- Child;
- Child's attorney;
- Guardian ad litem;
- Mental health provider;
- Both parents (unless parental rights have been terminated), and/or legal guardians;
- Social worker;
- School personnel, including special education administrator (if child has an IEP);

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 4 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

- Substitute care provider;
- Educational Surrogate;
- Child care provider; and
- Transitional Services Coordinator (for youth age sixteen and older).

Others may be invited as appropriate, including the adoption social worker, parent's attorney(s), permanency planning consultant, other family members, service providers, etc.

For a case plan review meeting prior to a permanency hearing, invitations will also be sent to the state's attorney and any other party to the original disposition hearing, except for any parent whose rights have been terminated.

Purpose of Permanency Hearing

At a permanency hearing the judge will determine, at a minimum, the permanency plan for the child or youth that includes whether, and if applicable, when:

- the child will return home to parents or to other family members;
- the state will file a petition to terminate parental rights;
- guardianship will be transferred to another individual;
- the child will be discharged from custody; or,
- when the case plan documents a compelling reason why it is not in the child's best interest to return home, be adopted, or for guardianship to be transferred to another individual, what other permanent living arrangement is appropriate for the child or youth.

Invitations to Permanency Hearing

All those invited to the case plan review meeting held prior to a permanency hearing (except the review facilitator) and any party to the original disposition hearing must be invited to the disposition review hearing, except for any parents whose rights have been terminated.

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 5 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

Requirement to File Petition for Termination of Parental Rights

If at the time of the first permanency hearing, the child's case plan goal is adoption, a petition to terminate parental rights must be filed within the next three months. For all other children, by the time of the next permanency hearing, a petition to terminate parental rights must have been filed, or the case plan must document a compelling reason why termination of parental rights is not in the child's best interest.

Supervisory Tasks:

- Ensures that custody date, docket number and date permanency hearing was convened (if any) are accurately entered in Supervisory Tracking Screen.
- Reviews monthly computer generated review list and notifies social workers of reviews due, and date by which invitation information and case plans must be entered on computer.
- At least six weeks before a case plan review is due, discusses child and family's progress and proposed plan with social worker.
- Reviews written plan with social worker. Ensures that it is clearly written, the appropriate issues are addressed, policy has been followed, and appropriate panel participants have been invited. Signs and dates plan.
- After review meeting, reviews completed material and signs.
- If there was disagreement, routes plan to district director.
- Enters date review meeting or permanency hearing was convened on Supervisory Tracking Screen.

Social Worker Tasks:

- Collaborates with family, child (if age appropriate), substitute care providers and others as appropriate in development of the new plan.
- Well in advance of the review, informs parent(s) that if they wish their attorneys to be

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 6 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

notified of the review, they must do so themselves.

- Prepares family, child, substitute care providers and others as appropriate for the review meeting, discussing the purpose, process and issues to be determined.
- Consults with the child's attorney and guardian ad litem about controversial issues. Elicits input to plan.
- Prepares written plan (FS-247CC or FS-247 TPR). When hard copy arrives, signs and dates.
- Offers assistance to parents and others in finding transportation, as appropriate.
- Makes accommodations for clients with special needs (e.g., interpreter for the deaf, etc.).
- Chairs the case plan review meeting if other facilitator is not available.
- Describes the plan, including any changes since written. Describes progress towards resolution of issues, strategies described and expected outcomes, including what will happen if the plan is not followed. Reviews responsibilities of each party. Actively participates in panel discussion.
- Amends or modifies plan as appears appropriate.
- If there is unresolved disagreement, may assist or support the appropriate party in using the appeal process.
- Forwards completed review materials to supervisor.
- If plan is modified as the result of an appeal, sends copies of amended plan with a memo describing changes to person invited to review.
- If review was in advance of a permanency hearing:
 - obtains date for permanency hearing;
 - completes Notice of Permanency Hearing (FS-303), Permanency Report (FS-311) and Reasonable Efforts Affidavit: Permanency Review (FS-602b);
 - follows office procedures for obtaining signatures and mailing packet; and,
 - attends hearing, giving testimony as required.

Tasks of Review Facilitator

- Chairs case plan review meeting, ensuring all parties are introduced. Explains purpose and process of review and the importance of confidentiality.

Chapter:	Planning with Children and Families	
Subject:	Case Plans and Plan Reviews	Page 7 of 7
Approved:	Frederick M. Ober, Division Director	Effective: 8/15/98 FINAL
Supersedes:	Casework Procedure 300, 3001 & 3002	Dated: 2/1/95 & 9/26/98

- Assures opportunity for input by all parties.
- Assists the panel in recommending amendments or modifications to the plan as appears appropriate. Helps the group to focus on permanency issues and strategies to address those issues.
- Summarizes determinations made and identifies any remaining unresolved issues.
- Ensures that each participant signs the signature sheet.
- Explains the appeals process.

District Director Tasks:

- When there is disagreement, reviews case plan review material and signs. Depending on issues raised, may contact person dissenting.
- If action is taken in response to dissent, disagreeing party is notified.
- If requested, holds Level I review.

Support Tasks:

- Completes tasks associated with automated scheduling system and any other tasks related to case plan review assigned as per district protocol.
- Checks child support status for children due for a permanency hearing. If child support has not been addressed, completes tasks outlined in Policy 85: Child Support for Children in Custody.
- At least ten days in advance of a permanency hearing, mails original packet to court. Sends notices (FS-303) to each person who was invited to the review (except review facilitator) and to the parents' attorney(s). If written plan was changed, includes amended plan. Initials and dates invitation list (FS-605) and files in child's record.